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7 **UNITED STATES DISTRICT COURT**  
8 **WESTERN DISTRICT OF WASHINGTON**  
9  
10 **AT TACOMA**

11 **MATT CROWELL,**

12 Plaintiff,

14 vs.

15 **OXFORD MANAGEMENT**  
16 **SERVICES, INC.,**

17 Defendant.

) Case No.

)

) **COMPLAINT**

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) ***JURY TRIAL DEMANDED***

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18 **I. NATURE OF ACTION**

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20 1. This is an action for damages brought by an individual consumer for  
21 Defendant's violations of the Fair Debt Collection Practices Act, 15 U.S.C. §  
22 1692, *et seq.* (hereinafter "FDCPA") and of the Revised Code of Washington,  
23 Chapter 19.16, both of which prohibit debt collectors from engaging in abusive,  
24 deceptive, and unfair practices. Plaintiff further alleges a claim for invasion of  
25 privacy by intrusion, ancillary to Defendant's collection efforts.  
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28 Complaint - 1

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## II. JURISDICTION

2. Jurisdiction of this Court arises under 15 U.S.C. § 1692k(d).

## III. PARTIES

3. Plaintiff, Matt Crowell, is a natural person residing in the State of Washington, County of Pierce, and City of Puyallup.

4. Plaintiff is a “consumer” as defined by the FDCPA, 15 U.S.C. § 1692a(3), and a “debtor” as defined by RCW § 19.16.100(11).

5. At all relevant times herein, Defendant, Oxford Management Services, Inc., (“Defendant”) was a company engaged, by use of the mail and telephone, in the business of attempting to collect a “debt” from Plaintiff, as defined by 15 U.S.C. §1692a(5).

6. Defendant is a “debt collector” as defined by the FDCPA, 15 U.S.C. § 1692a(6), and a “licensee,” as defined by RCW § 19.16.100(9).

## IV. FACTUAL ALLEGATIONS

7. At various and multiple times prior to the filing of the instant complaint, including within the one hundred twenty days preceding the filing of this complaint, Defendant contacted Plaintiff in an attempt to collect an alleged outstanding debt. Defendant’s conduct violated the FDCPA and RCW § 19.16 in multiple ways, including but not limited to:

- a. Failing to provide Plaintiff with the notices required by 15 USC § 1692g, either in the initial communication with Plaintiff, or in writing within 5 days thereof, including waiting until Plaintiff had been called for 2 weeks before sending out the initial notice letter (§ 1692g(a));
- b. Overshadowing the disclosures required by 15 USC § 1692g(a) during the thirty-day dispute period, including imparting a false sense of urgency by threatening within the thirty-day period to report to Plaintiff's credit report immediately if he did not agree to payment arrangement that particular day (§ 1692g(b));
- c. Using false representations and deceptive practices in connection with collection of an alleged debt from Plaintiff, including representing that Plaintiff would be receiving validation of the debt after an oral request was made by Plaintiff, and then later denying that Plaintiff would be sent such validation (§ 1692e(10));
- d. Causing Plaintiff's telephone to ring repeatedly or continuously with intent to harass, annoy or abuse Plaintiff, including calling Plaintiff back immediately after Plaintiff had hung up on Defendant, clearly intending to end the conversation (§ 1692d(5)).

9. Defendant's aforementioned activities, set out in paragraph 8, also constitute an intentional intrusion into Plaintiff's private places and into private matters of Plaintiff's life, conducted in a manner highly offensive to a reasonable person. With respect to the setting that was the target of Defendant's intrusions, Plaintiff had a subjective expectation of privacy that was objectively reasonable under the circumstances.

1           10. As a result of Defendant's behavior, detailed above, Plaintiff  
2 suffered and continues to suffer injury to Plaintiff's feelings, personal humiliation,  
3 embarrassment, mental anguish and emotional distress.  
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5                           **COUNT I: VIOLATION OF FAIR DEBT**  
6                           **COLLECTION PRACTICES ACT**  
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8           11. Plaintiff reincorporates by reference all of the preceding paragraphs.

9                           **PRAYER FOR RELIEF**

10           WHEREFORE, Plaintiff respectfully prays that judgment be entered  
11 against the Defendant for the following:  
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- 13                   A. Declaratory judgment that Defendant's conduct  
14                   violated the FDCPA;  
15                   B. Actual damages;  
16                   C. Statutory damages;  
17                   D. Costs and reasonable attorney's fees; and,  
18                   E. For such other and further relief as may be just and proper.  
19

20                   **COUNT II: VIOLATION OF WASHINGTON COLLECTION AGENCY**  
21                   **ACT, WHICH IS A PER SE VIOLATION OF THE WASHINGTON**  
22                   **CONSUMER PROTECTION ACT**  
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24           12. Plaintiff reincorporates by reference all of the preceding paragraphs.

25                           **PRAYER FOR RELIEF**  
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1 WHEREFORE, Plaintiff respectfully prays that judgment be entered  
2 against the Defendant for the following:  
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- 4 B. Actual damages;  
5 C. Discretionary Treble Damages;  
6 D. Costs and reasonable attorney's fees,  
7 F. For such other and further relief as may be just and proper.

8 **COUNT III: COMMON LAW INVASION OF PRIVACY BY INTRUSION**  
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10 13. Plaintiff reincorporates by reference all of the preceding paragraphs.

11 **PRAYER FOR RELIEF**

12 WHEREFORE, Plaintiff respectfully prays that judgment be entered  
13 against the Defendant for the following:  
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- 15 A. Actual damages  
16 B. Punitive Damages; and,  
17 C. For such other and further relief as may be just and proper.  
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21 Respectfully submitted this 31<sup>st</sup> day of October, 2008.  
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23

24 s/Jon N. Robbins  
25 Jon N. Robbins  
26 WEISBERG & MEYERS, LLC  
27 Attorney for Plaintiff  
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